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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/753,705      | 01/08/2004  | Muhammad A. Ahmed    | 13768.85.1          | 8751             |

47973 7590 02/02/2007  
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| EXAMINER |
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VU, THONG H

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| ART UNIT | PAPER NUMBER |
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2616

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE  | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS                               | 02/02/2007 | PAPER         |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/753,705

Applicant(s)

AHMED ET AL.

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-28, 35-41 and 45-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-28, 35-41, 45-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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1. Claims 21-28, 35-41, 45-47 are pending. Claims 21, 35 and 45 have been amended.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/07 has been entered.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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Claims 21-28, 35-41, 45-47 are rejected on the ground of nonstatutory double patenting over claim 13 of U. S. Patent No. 6,704,772 ('772) since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

|  |  |
|--|--|
| ('772) 13. In a messaging system that includes an originating host system and at least one other host system, each host system providing e-mail messaging services to a particular set of clients, a method for distributing one or more e-mail messages to a plurality of intended recipients without duplicating the one or more e-mail messages for each intended recipient, the method comprising steps for: | (Application) 21. In a messaging system that provides clients with electronic messaging services, a method for organizing one or more replies to an electronic message, comprising the steps of:   |
| at the originating host system, receiving an e-mail message intended for the clients of the at least one other host system;  | assigning a unique identifier to the electronic message;   |
| at the originating host system, identifying each additional host system that provides e-mail messaging services for the intended recipients of the e-mail message;   | associating, using the unique identifier the one or more replies with the electronic message;  |
| at the originating host system, creating for each of the identified additional host systems, a distribution list that includes the intended recipients of the e-mail message, and providing that created distribution list for each of the identified additional host systems use;   | storing a single copy of the electronic message at a host system, the single copy of the electronic message being enabled to be shared by a plurality of intended recipients; and  |
| sending a copy of the e-mail message from the originating host system to each of the identified additional host systems for storage at those additional host systems; and  | storing single copy of the one or more replies at the host system, the single copy of the one or more replies being enabled to be shared by the plurality of intended recipients such that the one or more replies and the associated electronic message may be accessed by each of the plurality of intended recipients, and such |

|   |   |
|---|---|
|   | that the single copy of the electronic message and the single copy of the one or more replies are shared by the plurality of intended recipients.   |
| at least one of the additional identified host systems using the distribution list created by the originating host system to then send an e-mail notification that notifies the recipients identified on the distribution list of the e-mail message stored at the host system for the notified recipients. | (claim 27) notifying each client who is a recipient of the reply using the unique list identifier, such that the at least one copy of the reply is made available to each client who is a recipient of the reply. |

It was clearly that a host (or server) with a single copy of message can shared with any new or added nodes or intended recipients.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-23,28,35-37 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al [Dean 5,914,957] in view of Ansberry et al [Ansberry 5,887,170].

4. As per claim 21, Dean discloses In a messaging system that provides clients with electronic messaging services, a method for organizing one or more replies to an electronic message, comprising the steps of:

assigning a unique identifier to the electronic message [Dean, each message being configured with a unique identifier corresponding to each of the servant nodes, col 1 line 60-col 2 line 20];

associating, using the unique identifier the one or more replies with the electronic message [Dean, each message being configured with a unique identifier corresponding to each of the servant nodes in response, col 1 line 60-col 2 line 20];

Dean also taught the data is shared between nodes [Dean, shared data, col 1 line 60-col 2 line 20]

However Dean does not explicitly detail

storing a single copy of the electronic message at a host system, the single copy of the electronic message being enabled to be shared by a plurality of intended recipients; and storing single copy of the one or more replies at the host system, the single copy of the one or more replies being enabled to be shared by the plurality of intended recipients such that the one or more replies and the associated electronic message may be enabled to be accessed by each of the plurality of intended recipients, and such that the single copy of the electronic message and the

Dean also teaches that

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single copy of the one or more replies are shared by the plurality of intended recipients.

In the same endeavor, Ansberry discloses a method and system for distributing an application or message between nodes/ servers including a single copy of application or message is dynamically shared by multiples users [Ansberry, col 2 line 29; col 4 lines 5-8]

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the single copy is dynamically shared by multiple recipients as taught by Ansberry into the Dean's apparatus in order to utilize the master node in network environment.

Doing so would provide quick and simple way to distribute a single application or message to multiple users or recipients.

5. As per claim 22, Dean-Ansberry disclose assigning a reply identifier to a first reply created by a recipient of the electronic message; and using the reply identifier to associate, with the first reply, each of one or more subsequent replies created in response to the first reply [Ansberry, create resource identifier, col 7 lines 44-59].

6. As per claim 23, Dean-Ansberry disclose the step of separately presenting the electronic message and the one or more replies to a recipient [Ansberry, email message, col 8 lines 14-30].

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7. As per claim 24, Dean-Ansberry disclose the step of separately presenting the electronic message, the first reply and the one or more subsequent replies to a recipient [Dean, proceeding sequentially to node, col 3 lines 65-67].

As per claim 25, Dean-Ansberry disclose the step of presenting to the recipient a tree arrangement wherein the electronic message is a trunk, the first reply is a first-level branch depending from the trunk, and the one or more subsequent replies are second-level branches depending from the first-level branch as inherent feature of simulation program [Ansberry, col 8 lines 14-30].

8. As per claim 28, Dean-Ansberry disclose assigning a reply identifier to a first reply; and using the reply identifier to associate, with the first reply, each of one or more subsequent replies created in response to the first reply [Dean, proceeding sequentially to node, col 3 lines 65-67].

9. As per claim 35, Dean-Ansberry disclose A system for organizing replies to an electronic message, the system comprising:

processor means for uniquely identifying the electronic message [Dean, each message being configured with a unique identifier corresponding to each of the servant nodes, col 1 line 60-col 2 line 20];

processor means for associating one or more replies with the uniquely identified electronic message [Dean, each message being configured with a unique



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identifier corresponding to each of the servant nodes in response, col 1 line 60-col 2 line 20];

a storage means for storing a single copy of the electronic message at a host system to be shared by a plurality of intended recipients; and a storage means for storing single copy of the one or more replies at the host system to be shared by the plurality of intended recipients such that the one or more replies and the associated electronic message may be enabled to be accessed by each of the plurality of intended recipients [Ansberry, a single copy of application or message is dynamically shared by multiples users, col 2 line 29; col 4 lines 5-8].

10. As per claim 36, Dean-Ansberry disclose processor means for uniquely identifying the first reply; and processor means for associating, with the first reply, each of one or more subsequent replies created in response to the first reply [Dean, proceeding sequentially to node, col 3 lines 65-67].

11. As per claim 37, Dean-Ansberry disclose means for separately presenting the electronic message and the one or more replies to a recipient as inherent feature of conference users [Ansberry, col 8 lines 14-30].

12. As per claim 38, Dean-Ansberry disclose means for separately presenting to a recipient the electronic message, the first reply and the one or more subsequent replies [Dean, proceeding sequentially to node, col 3 lines 65-67].

13. As per claim 45, Dean-Ansberry disclose A computer program product for implementing a method for organizing replies to an electronic message wherein the method is capable of being implemented in a messaging system that includes a host system and provides clients with electronic messaging services, the computer program product comprising a computer-readable medium carrying computer-executable instructions for implementing the method wherein the computer-executable instructions comprise:

program code means for assigning a unique identifier to the electronic message [Dean, each message being configured with a unique identifier corresponding to each of the servant nodes, col 1 line 60-col 2 line 20];

program code means for associating, by using the unique identifier, one or more replies with the electronic message [Dean, each message being configured with a unique identifier corresponding to each of the servant nodes in response, col 1 line 60-col 2 line 20];

program code means for storing a single copy of the electronic message at a host system, the single copy of the electronic message being enabled to be shared by a plurality of intended recipients; and program code means for storing single copy of the one or more replies at the host system, the single copy of the one or more replies being enabled to be shared by the plurality of intended recipients such that the one or more replies and the associated electronic message may be enabled to be accessed by each of the plurality of intended recipients, and such

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that the single copy of the electronic message and the single copy of the one or more replies are shared by the plurality of intended recipients [Ansberry, a single copy of application or message is dynamically shared by multiples users, col 2 line 29; col 4 lines 5-8].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 26-27, 39-41 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dean et al [Dean 5,914,957] in view of Ansberry et al [Ansberry 5,887,170] and further in view of Rybicki [7,007,003 B1].

14. As per claim 26, Dean-Ansberry discloses storing at least one copy of the electronic message at the host system [Dean, a master node, Fig 1; Ansberry, master server 108, Fig 1];

However Dean-Ansberry does not disclose creating one or more distribution lists including each client of the host system who is a recipient of the electronic message; and using the one or more distribution lists to notify each client of the host system who is a recipient of the electronic message, such that the at least one copy of the electronic message is made available to each notified client.

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Rybicki taught a method for reducing message traffic using a single Notify XP message to response the request and synchronized with a list of ID [Ribicki, identifier list, col 13 lines 10-15].

Therefore it would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the distribution list to notify the network user as taught by Rybicki into the Dean-Ansberry's apparatus in order to utilize the client-server communications.

Doing so would reduce the network traffic and enhance the efficiency on network management.

15. As per claim 27, Dean-Ansberry-Ribicki disclose assigning a unique list identifier to the distribution list [Ribicki, identifier list, col 13 lines 10-15];

storing at least one copy of a reply created in response to the electronic message [Dean, a master node, Fig 1; Ansberry, master server 108, Fig 1]; and

notifying each client who is a recipient of the reply using the unique list identifier, such that the at least one copy of the reply is made available to each client who is a recipient of the reply [Ribicki, subsequent synchronized procedure or notification procedure, col 8 lines 16-20].

16. As per claim 41, Dean-Ansberry disclose processor means for assigning a reply identifier to the first reply; and processor means for using the unique identifier to associate, with the first reply, each of one or more subsequent replies created in

storing at least one copy of the reply created in response to the electronic message

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response to the first reply [Ribicki, subsequent synchronized procedure or notification procedure, col 8 lines 16-20].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thong Vu*, whose telephone number is (571)-272-3904. The examiner can normally be reached on Monday-Thursday from 6:00AM- 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, *Lynn Feild*, can be reached at (571) 272-2092. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

***Thong Vu***  
***Primary Examiner***

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